



INTELLECTUAL PROPERTY
402-391-4448

JAMES D. WELCH
ATTORNEY AT LAW
PROFESSIONAL ENGINEER

10328 PINEHURST AVE.
OMAHA, NEBRASKA 68124

May 15, 2004

Commissioner for Patents
Box: 1450
Alexandria, VA 22313-1450

RE: APPLICATION OF HERZINGER ET AL. TITLED "METHODOLOGY FOR
IMPROVING PRECISION OF DATA ACQUIRED BY SPECTROPHOTOMETER
SYSTEMS";
SERIAL NO. 09/862,881;
FILE DATE: 08/09/2001;
ART UNIT: 2851;
EXAMINER: MATHEWS, A.

RESPONSE TO OFFICE ACTION

Dear Sir;

I am in receipt of an Office Action dated 05/0504 regarding the identified Application. The Examiner has rejected the Claims, but indicated that Claims 1-[27] 26 and 30-45 would be Allowed if the identified Section 112 problems are overcome.

Applicant expresses thanks to the Examiner for removing the requirement of Election of Species.

In Response to the Examiner's Action, Applicant requests that Amendments to Original Claims be entered and the resulting Amended Claims Allowed.

In addition, accompanying is a check for \$81.00 to support adding New Dependent Claims 46 - 54 which re-enter "Optional" language deleted from Independent Claims.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE INDICATED BELOW.

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81.00 OP


JAMES D. WELCH

5/18/04
DATE